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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,790	10/21/2003	Jay S. Walker	03-057	7570
22927	7590	06/03/2005	EXAMINER	
WALKER DIGITAL			LEE, SEUNG H	
FIVE HIGH RIDGE PARK			ART UNIT	
STAMFORD, CT 06905			PAPER NUMBER	

2876

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,790	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Seung H. Lee	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 8, 10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montangero et al. (US 6,035,279)(hereinafter referred to as 'Montangero') in view of Sleeper (US 6,401,074).

Re claims 1, 2, and 15: Montangero teaches a method and a system for awarding prize for purchasing products comprises a cash terminal (10) supplying data (e.g., data about the product to be purchased by a customer) to the central processing unit (12), a pseudo-random device (20) for generating the winning probability (P) serving as a random outcomes, a prize awarding device (26) for determining the winning code or a prize code using the predetermined condition stored in the memory (27) (see figure; col. 1, line 53- col. 4, line 9).

However, Montangero fails to particularly teach that the products to be purchased by a customer are identified using product identifiers.

Sleeper teaches a retail transaction system comprising a POS (point of sale) system as shown in figure 1 having a scanner (112) for scanning barcode of the items

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to be purchased wherein the barcode serves as a product identifier (see figs. 1-5; col. 2, line 42- col. 3, line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sleeper to the teachings of Montangero in order to provide automated checkout-processing system by using the well-known barcode symbology for identifying the product associated with the barcode therewith.

Re claims 3 and 4: A prize-awarding signal (28) of Montangero can be displayed using the indicating device (29) such as an indicator panel, television screen, etc. or forward to the cash terminal for indicating the wining purchased on a display (31) wherein the a code representing the prize is displayed thereon wherein the cash terminal also serve as an entertainment interface.

Re claims 7 and 8: The terminal of Montangero also comprises a reader (49) for reading a magnetic band (51) of the identification card (50) wherein the identification card is unique to each customer.

Re claim 10: The auxiliary device (14) of Montangero serves as a server computer generating the prize code and communicating the result to the cash terminal

Re claim 13 and 14: A memory devices (18, 22, 27) of the auxiliary device and a memory (not shown) of the cash terminal of Montangero store a program(s) or data in order to execute the necessary transaction of prize awarding functions.

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3. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montangero as modified by Sleeper as applied to claim1 above, and further in view of Burke (US 5,848,399).

The teachings of Montangero/Sleeper have been discussed above.

Although, Montangero/Sleeper teach the method for providing the prize awarding terminal at retail transaction system according to the products to be purchased, they fail to particularly teach or fairly suggest that the terminal is displaying an image of the products according to the product identifier.

However, Burke teaches a method of a shopping service comprising a method of sending UPC information (55) for particular product and receiving an image of the products (54) (see figs. 1, 5; col. 3, line 49- col. 5, line 21; col. 6, lines 12- 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of user-friendly system wherein a purchaser can verify/identify the product to be purchased by the customer with the price and product associated with the barcode affixed on the product to be purchased visually, that is, the POS terminal display the products images associated with the barcode on the display then the customer/operator can verify the actual product to be purchased with images of the products.

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4. Claim 5, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montangero as modified by Sleeper and Burke, and further in view of Cohen et al. (US 5,373,440, cited by applicant)(hereinafter referred to as 'Cohen').

The teachings of Montangero/Sleeper/Sleeper have been discussed above.

Although, Montangero/Sleeper teach the method for providing the prize awarding terminal at retail transaction system displaying an image of the products to be purchased, they fail to particularly teach or fairly suggest that the image is provided as an indicia on a virtual slot machine reel or entertainment interface.

However, Cohen teaches a game machine (10) comprising a screen (14) for displaying images (17 or 19) on the plurality of wheels (16, 18, and 20) (see figs. 1, 4, and 5; col. 5, line 14- col. 10, line 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cohen to the teachings of Montangero/Sleeper in order to provide a user friendly system wherein a customer can monitor the process of the prize awarding procedure on the display device of the POS terminal, that is, the display/screen of the POS terminal is displaying the game procedures such as shown in figure 4-6 of the Cohen wherein such winning is determined according to the probability of Montangero.

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***Conclusion***

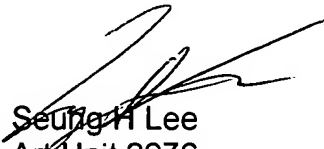
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Off et al. (US 5,173,851) discloses a method and apparatus for dispensing discount coupon according to the purchased products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Seung H Lee  
Art Unit 2976  
May 24, 2005